

### **REMARKS**

Claims 26, 36, 37, and 41-43 are pending in this application. Claim 26 is amended to incorporate the subject matter of claim 41, which is now canceled. Claim 43 is amended to further clarify the subject matter.

These after-final amendments do not raise any new issue that would require further consideration and/or search by the Examiner as they simply incorporate subject matter from dependent claims. Therefore, Applicants respectfully request entry of these amendments.

### **REJECTIONS UNDER §112**

Claim 43 was rejected as being non-compliant with the definiteness requirement of §112, second paragraph. Without conceding to the propriety of this rejection and in order to expedite prosecution of this application, claim 43 is amended to even more fully satisfy the requirements of §112, second paragraph. Accordingly, favorable consideration and withdrawal of this rejection are respectfully requested.

### **REJECTIONS UNDER §102**

Claims 26, 36, 37, and 43 were rejected under §102(b) as being anticipated by U.S. Patent No. 4,994,167 (Shults et al.). Applicant respectfully requests reconsideration of this rejection.

Claim 26, as amended to include the subject matter of claim 41, specifies that the cross-linking agent has “three or more functional groups per molecule.” *Shults* has no explicit teaching of a cross-linking agent having “three or more functional groups per molecule.” Indeed, claim 41 was not specifically rejected with the recognition that *Shults* does not disclose this feature.

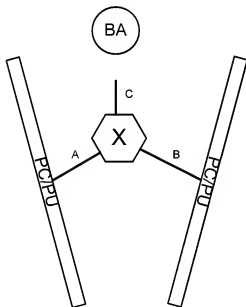
For at least these reasons, Applicant respectfully submits that *Shults* does not anticipate claims 26, 36, 37, and 43. Accordingly, favorable consideration and withdrawal of this rejection are respectfully requested.

### **REJECTIONS UNDER §103**

Claims 26, 36, 37, and 43 were rejected under §103(a) as being rendered obvious by *Shults* in view of U.S. Patent No. 4,888,285 (Nishimura et al.) or No. 4,287,305 (Comper et al.) or No. 4,979,959 (Guire). Claims 41 and 42 were rejected under §103(a) as being rendered

obvious by *Shults* in view of *Nishimura*. Applicant respectfully requests reconsideration of these rejections.

Claim 26 recites a cross-linking agent having “three or more functional groups per molecule.” This cross-linking agent serves at least two purposes.<sup>1</sup> The first purpose is to cross-link the polycarbonate-polyurethane polymers. The second purpose is to provide unreacted functional groups that are available to optionally bond with a bio-active agent. Without intending for the claimed invention to be limited to a particular theory of operation, the illustration provided below demonstrates how a cross-linking agent having three or more functional groups can operate in the coating composition to simultaneously serve these two purposes. A cross-linking agent (X) having three functional groups (A, B, and C) is shown in the illustration. Two (A and B) of the three functional groups are involved in cross-links with polycarbonate-polyurethane polymers. The third functional group (C) is available to optionally react with a bio-active agent (BA).



Without conceding that the suggested combination of *Shults* with *Nishimura* or *Compere* or *Guire* is proper, Applicant respectfully submits that these combinations cannot meet the requirement of claim 26 that the cross-linking agent have “three or more functional groups per molecule.”

<sup>1</sup> Specification, ¶ [0030].

As explained above, *Shults* does not teach a cross-linking agent having this feature. Furthermore, neither *Nishimura* nor *Compere* nor *Guire* explicitly discloses a cross-linking agent having this feature, and thus, does not add anything that would remedy the deficiencies of *Shults*. In *Nishimura*, cross-linking agents are used for linking an enzyme to a carrier, and thus, serve merely as a bridge between the two components. Similarly, in *Guire*, cross-linking agents are used for linking a biocompatible agent to a solid surface, and thus, serve merely as a bridge between the two components. In *Compere*, cross-linking agents are used in forming a coating of metabolically active microorganisms.

None of these references disclose a cross-linking agent having “three or more functional groups per molecule.” As such, the combination of *Shults* with *Nishimura* or *Compere* or *Guire* fails to have all the required elements of claim 26. For at least these reasons, Applicant submits that claims 26, 36, 37, and 43 are non-obvious over *Shults* in view of *Nishimura* or *Compere* or *Guire*. Accordingly, favorable consideration and withdrawal of this rejection are respectfully requested.

### CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance. The Examiner is invited to contact Applicant’s representative to discuss any issue that would expedite allowance of this application.

The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

/Steven S. Yu/

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Steven S. Yu (Reg. No. 58,776)

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KENYON & KENYON LLP  
1500 K Street, N.W., Suite 700  
Washington, DC 20005  
Tel: (202) 220-4200  
Fax: (202) 220-4201